

**TOWN OF DAVIE  
REGULAR MEETING  
APRIL 5, 2006**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, and Councilmembers Caletka, Paul (arrived at 7:30 p.m.) and Starkey (arrived at 8:04 p.m.). Also attending were Acting Town Administrator Cohen, Town Attorney Monroe Kiar, and Town Clerk Russell Muniz recording the meeting.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to excuse Councilmembers Paul and Starkey. In a voice vote, with Councilmembers Paul and Starkey being absent, all voted in favor. (Motion carried 3-0)

**3. OPEN PUBLIC MEETING**

Mayor Truex advised of the rules for the Open Public Meeting.

Travis Liberatori, 4818 SW 66 Way, spoke against the upcoming gay and lesbian rodeo and thought the event was deliberately hidden from the community. He felt the event had moral and social consequences and wanted to know how it could be stopped. Mr. Liberatori questioned why no direct answers were forthcoming and why residents had been kept in the dark about this. Mayor Truex explained that the Open Public Meeting was a forum in which citizens could speak their minds and not a time for questions and answers. He indicated that the rodeo was not a Town event and that the grounds were being rented, which was why it was not publicized. Mayor Truex offered to speak with Mr. Liberatori on this issue the following day.

Bob Kellner, 5118 South University Drive, spoke against former Town Administrator Chris Kovanes and others regarding Mr. Kovanes' actions, union contracts and the Town Attorney's contract. He accused Council of abdicating their responsibilities to accountants and lawyers and referred to these activities as "cronyism".

Lloyd Phillips, 14220 SW 29 Court, complained about Code Compliance Supervisor Danny Stallone and Florida Power and Light. He suggested that Mr. Stallone was responsible for power failures in Davie. Mr. Phillips stated that he had reported a problem to Mr. Stallone in 2002, which was reviewed by the Public Service Commission and nothing was ever done to address the issue. Mr. Phillips spoke about the moratorium on cell phone towers and the poor digital service in Davie. He said that Mr. Stallone was not doing his job and suggested that Mr. Stallone be relieved of his responsibilities.

Don Martin, 8343 North Lake Forest Drive, spoke in favor of the gay and lesbian rodeo. He viewed the event as diversity and a source of income for the city.

Gregg Sanders, 8343 North Lake Forest Drive, thanked the Town for being a diverse and inclusive community. He perceived the gay and lesbian rodeo as a source of income and pride.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, voiced her views on diversity in the Town. She spoke about the existence of the five colleges and universities and further supported the gay and lesbian rodeo as well as other activities as being supportive of diversity.

Mr. Liberatori restated his opposition to the gay and lesbian rodeo. He expressed his concerns that the event was "covered up" and further discussed his "repulsion" and the "concern of parents" for their children. Mr. Liberatori said the desirability of holding an event of "this nature" should be determined by Davie residents.

Mr. Phillips expressed his opposition to the gay and lesbian rodeo. He stated his belief that it "interferes with moral values".

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Mayor Truex closed the Open Public Meeting.

Mayor Truex announced that item 6.3 needed to be tabled to May 3, 2006.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to table. In a voice vote, with Councilmembers Paul and Starkey absent, all voted in favor. (Motion carried 3-0)

Mayor Truex stated that staff requested that item 4.27 be tabled until May 17, 2006.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to table. In a voice vote, with Councilmembers Paul and Starkey absent, all voted in favor. (Motion carried 3-0)

Mayor Truex announced that item 4.29 needed to be added.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to add. In a voice vote, with Councilmembers Paul and Starkey absent, all voted in favor. (Motion carried 3-0)

**4. APPROVAL OF CONSENT AGENDA**

*Proclamation*

4.1. Water Conservation Month (April 2006)

*Resolutions*

4.2. **LEGISLATURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-92 URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT HB 949  
AND SB 1608 DURING THE 2006 LEGISLATIVE SESSION, AND PROVIDING  
FOR AN EFFECTIVE DATE. (tabled from March 29, 2006)

4.3. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-93 EXECUTING AN AGREEMENT WITH SUNTRUST BANK FOR PROCESSING  
FEES FOR THE PURPOSE OF BANK DRAFTING FOR MONTHLY UTILITY  
BILLS.

4.4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-94 EXECUTING AN AGREEMENT WITH AUTOMATED MERCHANT SYSTEMS  
FOR PROCESSING FEES FOR THE PURPOSE OF ON-LINE CREDIT CARD  
TRANSACTION PROCESSING.

4.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-95 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE  
FIRM OF NABORS, GIBLIN, & NICKERSON, P.A. TO PERFORM LEGAL  
SERVICES RELATED TO THE SOLID WASTE SERVICES ASSESSMENT  
PROGRAM FOR FISCAL YEAR 2006-2007, AND PROVIDING FOR AN  
EFFECTIVE DATE. (\$6,000)

4.6. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-96 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED  
AGREEMENT FOR LEGAL SERVICES BETWEEN THE TOWN OF DAVIE AND  
MONROE D. KIAR TO PERFORM THE DUTIES OF THE TOWN ATTORNEY AND  
PROVIDING FOR AN EFFECTIVE DATE.

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- 4.7. **AFTER SCHOOL DAYCARE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF SUNSHINE AFTER SCHOOL CHILD CARE, INC. TO PROVIDE AFTER SCHOOL DAYCARE PROGRAMS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- R-2006-97 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE FLORIDA SHERIFF'S ASSOCIATION TO NORTRAX FOR A BACKHOE LOADER. (not to exceed \$68,486.67)
- R-2006-98 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BIDS FOR HORTICULTURAL CHEMICALS. (lowest responsive and responsible bidder for each item)
- R-2006-99 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SCHOOL CROSSING GUARDS. (\$250,000/year)
- R-2006-100 4.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY FLORIDA DEPARTMENT OF TRANSPORTATION, TURNPIKE ENTERPRISE, CONTRACT E8E57 FOR GUARDRAIL INSTALLATION AND REPAIR (budgeted - \$35,000; unbudgeted - \$80,000 for Hurricane Wilma damage to be reimbursed except for 12.5%, Town's share)
- R-2006-101 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY BROWARD COUNTY, BID NO. H-03-242-B1 FOR MEDIAN BEAUTIFICATION ON PINE ISLAND ROAD FROM ORANGE DRIVE NORTH TO SW 36 STREET. (\$65,242.50)
- R-2006-102 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR LIME SLUDGE HAULING SERVICES. (Stanford & Sons Trucking Corp. - \$69,000/year)
- R-2006-103 4.14. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$32,290.00 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANT PROGRAM FOR THE PURCHASE OF HIGHWAY SAFETY EQUIPMENT FOR THE POLICE AND FIRE RESCUE DEPARTMENTS; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (NO MATCHING FUNDS).
- R-2006-104 4.15. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$74,126.25 GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH, EMS MATCHING GRANT PROGRAM, FOR THE PURCHASE OF AUTOMATIC CHEST COMPRESSION DEVICES (ACCD); AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$24,708.75 MATCHING FUNDS). (unbudgeted)

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- 4.16. **HOMELESSNESS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING “A WAY HOME” BROWARD COUNTY, FLORIDA’S TEN-YEAR PLAN TO END HOMELESSNESS.
- R-2006-105 4.17. **TURNPIKE INTERCHANGE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO MITIGATE THE EFFECTS OF NOISE AND TRAFFIC THAT WILL ARISE FROM THE PROPOSED FLORIDA TURNPIKE STIRLING ROAD INTERCHANGE, AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2006-106 4.18. **FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN APPLICATION FOR \$500,000 IN FUNDING FROM THE YEAR 2006 TRANSPORTATION ENHANCEMENT PROGRAM TO ASSIST IN THE ACQUISITION OF THE RYAN PROPERTY.
- R-2006-107 4.19. **RATIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE SECOND AMENDMENT TO STANDARD FORM OF AGREEMENT AMONG CONTRACTOR, ARCHITECT AND CRA FOR DESIGN-BUILD PROJECT.
- R-2006-108 4.20. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND DUNCAN ASSOCIATES FOR MISCELLANEOUS PLANNING SERVICES. (\$25,000 year)
- R-2006-109 4.21. **STATE HOUSING INITIATIVES PARTNERSHIP** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING DAVIE’S STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAMS HOUSING DELIVERY GOALS/BUDGET STRATEGIES TO DISTRIBUTE THE FY 2006/07 SHIP FUNDS AND ADD HURRICANE WILMA DISASTER RELIEF FUNDS; AUGMENTING THE TOWN’S AFFORDABLE HOUSING INCENTIVE STRATEGY (PLAN); MAKING OTHER REVISIONS TO ADDRESS INCREASED HOUSING COSTS AND PROMOTE THE DEVELOPMENT OF URGENTLY NEEDED AFFORDABLE WORKFORCE HOUSING; AND, PROVIDING FOR AN EFFECTIVE DATE.
- R-2006-110 4.22. **OPEN SPACE CRITERIA**- A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO BE KNOWN AS THE OPEN SPACE BOND RESOLUTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY CRITERIA FOR THE SELECTION FOR ACQUISITION OF LAND; PROVIDING FOR SELECTION OF PROPERTIES FOR FUNDING OF PARK IMPROVEMENTS; PROVIDING FOR RECREATION MANAGEMENT GOALS FOR THE ACQUIRED LANDS; PROVIDING FOR THE ESTABLISHMENT OF PREFERENCES FOR THE EXPENDITURE OF BOND FUNDS FOR THE ACQUISITION OF LANDS AND IMPROVEMENT OF PARKS; AND PROVIDING FOR AN EFFECTIVE DATE.

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- 4.23. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2006-111 THE APPLICATION FOR A \$76,900 GRANT FROM THE U.S. DEPARTMENT OF  
HOMELAND SECURITY, 2006 ASSISTANCE TO FIREFIGHTERS GRANT  
PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE  
GRANT, IF AWARDED (WITH \$15,380 MATCHING FUNDS).
- 4.24. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2006-112 BID AWARDED BY THE STATE OF FLORIDA CONTRACT NO. 250-000-03-1 TO  
INSIGHT PUBLIC SECTOR, INC. FOR THE PURCHASE OF RUGGED LAPTOP  
COMPUTERS AND VEHICLE MOUNTING SYSTEMS FOR \$62,540.

*Temporary Use Permits*

- 4.25. TU 3-1-06, Home Depot, 15835 Rick Case Honda Way  
4.26. TU 3-2-06, Nova Southeastern University Health Fair, 1904 South University Drive

*Quasi-Judicial Consent Agenda*

- 4.27. **STAFF REQUESTING A TABLING TO MAY 17, 2006**  
SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from  
February 15, 2006) *Site Plan Committee recommended denial because the Committee  
was of the opinion that the Town would never accomplish what it expected of the  
downtown if it continued to approve parcel-by-parcel items which did not meet the intent  
of the Western Theme. The Committee decided on an addendum to its recommendation  
that the following comments be implemented into the site plan should the Council decide  
to reverse the Committee's recommendation to deny: 1) address the covered walkway on  
the north side of the building to be extended the entire length and that the east side of the  
building was totally barren; 2) the pavers at the corner are to match the current pattern;  
3) look at the handicapped space location do to slope into the building; 4) bike racks are  
missing; 5) the Committee did not like the signage colors; and 6) parking arrangement  
has a dead end, no outlet parking area which does not work*
- 4.28. SP 7-7-05, NationsRent, 6580 State Road 84 (M-4, County) *Site Plan Committee  
recommended approval based on the planning report and the following items: 1) that  
the construction trailer is only temporary as well as the fenced area around it; 2) that  
the rear stairs which is to be added for the office area be designed as an architectural  
element verses an industrial element; and 3) that the crosswalks be striped*

*Item to be added*

- 4.29. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE  
TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE FIRM OF  
MAYER, HOFFMAN, MCCANN, PC TO PROVIDE FORENSIC AUDITING  
SERVICES AND PROVIDING AN EFFECTIVE DATE.

Councilmember Caletka pulled items 4.2, 4.6, and 4.29 from the Consent Agenda. Vice-Mayor Crowley pulled item 4.1. Mayor Truex pulled items 4.10, 4.16 and 4.22. Mr. Cohen advised that Councilmember Starkey had requested that item 4.7 be pulled.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve the Consent Agenda minus items 4.1, 4.2, 4.6, 4.7, 4.10, 4.16, 4.22 and 4.29. In a voice vote, with Councilmembers Paul and Starkey absent, all voted in favor. (Motion carried 3-0)

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**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.1 Vice-Mayor Crowley read, and then presented the proclamation to Laura Corey.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve. In a voice vote, with Councilmembers Paul and Starkey absent, all voted in favor. (Motion carried 3-0)

4.10 Mayor Truex advised that there was a letter from the Police Department regarding the contract for the crossing guards. Major Ed Taylor advised that the Town had contracted with this vendor for a number of years.

Councilmember Caletka made a motion, seconded by Mayor Truex, to approve the resolution. In a voice vote, with Councilmembers Paul and Starkey absent, all voted in favor. (Motion carried 3-0)

4.16 Mayor Truex voiced his concern about new taxes and raising the minimum wage in Broward County. He also expressed concern for the title of the proposal, stating that ten years may not be a realistic goal, indicating that for some, "homelessness is a personal choice".

Councilmember Paul discussed her concerns with additional taxes and further questioned whether or not people really chose to be homeless.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table to April 19, 2006. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

4.21 Councilmember Caletka indicated that the Town should either agree with the County's stance on the League of Cities or send word to Congressional representatives to deny the resolution outright. He felt that if this were adopted, it would allow Cooper City to build a high-rise on the Town's border and there would be nothing that could be done about it. He was in favor of having Broward County be exempt. Vice-Mayor Crowley agreed, stating that permitting and land use should be reviewed on an individual basis. Councilmember Paul opposed the resolution as well and requested that it be rewritten with language that supported "regionalism". Mayor Truex suggested approving the passing of a resolution that opposed the Florida League of Cities stance on this issue.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to approve the subject, but to rewrite the resolution to include the concept of regionalism. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

4.29 Councilmember Paul made a motion, seconded by Mayor Truex, to table 4.29 until April 19, 2006. In a voice vote, with Councilmember Starkey absent, all voted in favor (Motion carried 4-0)

4.6 Councilmember Caletka asked that "any Town employee" be added to Section 7 of the agreement and the resolution. He felt that Council's credibility was being questioned and wanted to eliminate that possibility. Mr. Kiar expressed concerns that this provision would be a hardship to his practice because the Town had 800 employees. Many of his clients were friends, fellow worshipers and neighbors from the community, including some who worked for the Town. He asked that appropriate measures be placed to avoid future concerns. Councilmember Caletka felt that this was a matter of public perception. Vice-Mayor Crowley wanted to add assistant department directors to the "exclusions" list.

Councilmember Paul spoke of past instances where Mr. Kiar indicated that to remove the perception of a conflict, he had had other attorneys handle cases. She asked that he disclose who would be representing the Town in such cases. Mr. Kiar could not do this due to conflicts of interest.

Councilmember Starkey felt that 800 employees was too large of a pool to exclude as some of these people would not have decision-making authority. She favored the language presented by Vice-

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Mayor Crowley stating that anyone in a decision-making capacity should be excluded and beyond that, the decision should be made by Mr. Kiar.

Mayor Truex favored Vice-Mayor Crowley's suggestions. He also wanted to have a list prepared on a monthly basis that indicated who the key decision makers were and those so named would be considered the exclusions. Mayor Truex added that if an existing client became involved with Council, he wanted Mr. Kiar to stop representing that individual. He stated that a forensic auditor would review the records and make suggestions. Mr. Kiar indicated that he could abide with Council's wishes as discussed.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve subject to indicating "employees of decision making capacity" as above. In a voice vote, with Councilmember Caletka opposed, all voted in favor. (Motion carried 4-1)

4.7 Councilmember Starkey voiced her displeasure with the lack of backup information. She stated that the YMCA program had been in place for a number of years with a mostly satisfactory program and was now being terminated. Councilmember Starkey recalled former discussions about expanding the partnership with YMCA. She requested more information, specifically about the Sunshine After-School Company and why they were chosen over YMCA.

Parks and Recreation Director Dennis Andresky explained that the program went out on a bid because it had expired. He stated that Sunshine After-School Company had provided the information requested, while the YMCA had not. Mr. Andresky added that the Town's position was to take the lowest and most responsible bidder.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table the discussion until April 19, 2006. In a voice vote, with Councilmember Caletka opposed, all voted in favor. (Motion carried 4-1)

4.22 Councilmember Starkey asked what the amendment was to the resolution and what the changes were. Town Clerk Muniz advised that it was merely the resolution number.

Phillip Holste, Programs Manager, referred to Mr. Kiar's memo and stated that the task force had compiled the criteria. The task force had drawn up the list of definitions for the proposed sites to give meaning to the criteria and had used multiple sources for the definitions.

Councilmember Starkey expressed concerns about the specific terminology of the bond. She referred to Section 8.01, A - E, which divided the remaining funds and asked whether this met the bond criteria. Councilmember Starkey requested that Mr. Kiar address the issue. She expressed concern about having to pass up issues because of the way the information in A through E was broken down. Councilmember Starkey did not like the idea of specifics because she believed it complicated matters.

Due to a fire alarm, the meeting recessed at 8:46 p.m. and reconvened at 8:51 p.m.

Mr. Holste explained the methodology used to split the \$25 million and stated that there was an even distribution of bond monies among the four districts. He went through items A - E and discussed each one and how they would be divided between the four districts totaling \$25 million.

Fred Siegel further explained the methodology for 8.03 and indicated that it could be tweaked to make it less specific. He reiterated that the money would be equally divided by the four districts. Mr. Siegel said items A - E were reference points to insure that the areas were covered. It did not mean that the money had to be spent as written.

Councilmember Starkey stated that no district could exceed its allocation of \$6.25 million. She said the voters approved \$25 million divided by four districts and asked that the language be added that says no district can spend more than one fourth of the total bond proceeds. Councilmember Starkey encouraged addressing the issues in items A - E.

Councilmember Paul stressed that this was a guideline.

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Mayor Truex felt the document was an excellent draft and suggested adding language allowing a dog park to Section 4 or 5. He objected to giving points for the Purchase of Development Rights (PDR) in Section 5. Mayor Truex stated that public access should be emphasized and he wanted the equal split among the four districts emphasized.

Councilmember Caletka felt it would be difficult to divide the funds in exactly four equal segments.

Mayor Truex clarified that he was not against PDR's, but was against giving additional points.

Linda Greck stated that she did not want to spell out what types of parks could be provided for, as she perceived it as overstepping the bounds of the task force.

Karen Stenzel-Nowicki asked "why rent when you can own" and discussed existing parks.

Councilmember Starkey wanted to remove the specific dollar amounts in items A - D. She also wanted language in the document to clarify the split among districts. Councilmember Starkey requested that the language pertaining to the PDR's be removed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve 8.03 with her recommendations.

Councilmember Paul had no problem removing the dollar amounts in items A - D, but was opposed to placing \$6.25 million in each as proposed by Councilmember Starkey.

Mayor Truex asked if staff could put in a special consideration statement in Section 5.01 that would allow dog parks or others not anticipated. He did not feel the PDR's should be precluded, but points for PDR's should be removed. Councilmember Starkey agreed to include the PDR's, but felt that public access must be emphasized.

Vice-Mayor Crowley withdrew his second.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve subject to 1) amending Section 5.01 to include language to eliminate PDR points; 2) including language emphasizing that public access must be available; 3) amending the Open Space Section 7.01 regarding "public access"; 4) eliminating the dollar amount in Section 8, A, B, C and D; and 5) amending Section 8.01 at the end of the paragraph to state "divide the \$25 million evenly not to exceed \$6,250,000 per District."

Councilmember Paul voiced her displeasure with the equal division of bond funds.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

## 6. PUBLIC HEARING

*Ordinance - First Reading/Quasi Judicial Item (Second public hearing to be held April 19, 2006)*

6.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-1-06, Doumar, Allsworth et al/NationsRent, Inc, 6850 State Road) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mayor Truex turned this item over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Peters summarized the request.



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Jon Voight summarized the request on behalf of the applicant. Vice-Mayor Crowley observed that Nations Rent had always been good corporate citizens.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

#### *Quasi Judicial Item*

- 6.2. **VARIANCE** - V 1-1-06, Carrasco, 10456 Canterbury Court (AG) (to reduce the side setbacks on the east and west side from 35 feet to 25 feet) *Planning and Zoning Board recommended approval of the 25-foot setback on the pool; the 27-foot 2 inches (27'2") to be in line with the existing structure on the gazebo and the addition; and contingent upon producing a letter from the homeowners' association denoting the addition, the gazebo and the pool from the site plan*

Mayor Truex turned this item over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Kutney summarized the planning report.

Councilmember Starkey advised that the new homeowner's association had approved this request.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Starkey advised she had spoken with members of the homeowner's association.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

#### *Item to be tabled*

- 6.3. **PLANNING AND ZONING BOARD TABLED TO APRIL 12, 2006; COUNCIL CAN TABLE TO MAY 3, 2006**

V 7-3-05, DuPont, 3344 Meadowbrook Way (tabled from February 1, 2006)

This item was tabled earlier in the meeting.

## 7. APPOINTMENTS

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to appoint Karen Stenzel-Nowicki in place of Marlon Luis on the Planning and Zoning Board. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 7.1. Education, Research and Training Authority (non-exclusive appointment; term expires May 2007)

Councilmember Paul wished to appoint someone from Town staff. Councilmember Starkey asked if information on the current appointments could be provided before the next meeting. Councilmember Paul asked a meeting was being planned. Mr. Cohen responded in the affirmative.

- 7.2. Agricultural Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

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- 7.3. Airport/Transportation Advisory Board (one exclusive appointment - Councilmember Caletka; term expires April 2006)

No appointment was made.

- 7.4. Budget Advisory Committee Board (one exclusive appointment - Vice-Mayor Crowley; term expires April 2006) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

- 7.5. Child Safety Board (one exclusive appointment - Mayor Truex; term expires April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.6. Parks and Recreation Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Crowley; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointments were made.

- 7.7. School Advisory Board (one exclusive appointment - Councilmembers Caletka, Paul and Starkey; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

- 7.8. Senior Citizen Advisory Committee (one exclusive appointment - Mayor Truex; term expires April 2006) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.9. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex, Councilmember Caletka, Crowley and Starkey; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

Vice-Mayor Crowley reappointed Paul Cirinese. Mayor Truex reappointed Marlena Mosby. Councilmember Caletka reappointed Mr. Zane.

**8. OLD BUSINESS**

- 8.1. Community Chest (deferred from March 29, 2006)

Councilmember Starkey made a motion, seconded by Mayor Truex, to table until May 3, 2006 as she wanted additional backup. In a voice vote, all voted in favor. (Motion carried 5-0)

**9. NEW BUSINESS**

- 9.1. Bulk Waste Service - Councilmember Caletka (tabled from March 29, 2006)

Councilmember Caletka spoke of Waste Management's provision of containers for the Hispanic Festival. He also spoke of progress with Waste Management regarding improving provision of containers for pickup in District 1.

## **TOWN COUNCIL MINUTES**

### **APRIL 5, 2006**

#### **9.2. Noise from Seminole Hard Rock**

Earlier in the meeting, Mayor Truex expressed concern about the Town moving forward with the Seminole noise issue and asked if there were any potential remedies. Councilmember Paul suggested the Town continue with noise monitors. Mr. Cohen indicated that several organizations had made efforts to help document the noise issues.

Councilmember Caletka referred to a discussion he had with Representative Tim Ryan's office and advised that he was told the Seminoles were asking for level 4 slots. His suggestion was to use this as leverage against the Seminoles to reduce the noise levels.

Council asked Mr. Kiar to look into the legal issues regarding the noise.

Karen Stenzel-Nowicki spoke about the history of the noise issue at the Seminole Hard Rock and requested that Council move forward to stop the noise.

Mayor Truex asked if Mr. Cohen had enough direction on the issue. Mr. Cohen indicated in the affirmative.

#### **9.3. Reconsideration of Vacation - VA 5-1-05, Long Key-Flamingo Park, southwest corner of Flamingo Road and SW 36 Street**

Earlier in the meeting, Councilmember Paul questioned how improvements could be made on this road as a portion of it was privately owned. Town Engineer Larry Peters explained that a portion of the road was not owned by the County. Sylvan Smart, representing Broward County Parks and Recreation, advised that the 15-foot sliver of land in question was not owned by anyone and that the Town could use it as it wished.

Linda Greck spoke of her previous walk through of the trail and advised of a treacherous area just over the drainage ditch. Vice-Mayor Crowley felt staff should meet to more thoroughly review this issue. Councilmember Starkey asked for a complete package concerning this item for Council to vote on.

Councilmember Starkey made a motion, seconded by Mayor Truex, to reconsider. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to April 19, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

## **10. MAYOR/COUNCILMEMBER'S COMMENTS**

### **COUNCILMEMBER CALETKA**

**POLICE PATROLS.** Councilmember Caletka advised he would meet again with Police Chief John George to discuss increased patrols in District 1.

### **COUNCILMEMBER STARKEY**

**BROWARD DAYS.** Councilmember Starkey spoke of her meetings in Tallahassee, specifically regarding the Broadview Park Annexation Bill and the Pine Island Water Play Area, which were approved in the House and the Senate.

Mayor Truex objected to the way the Broadview Park annexation documentation was presented. He recalled that Council should have received a report on financial feasibility but felt the documentation stated that Council had definitely decided on annexation. Councilmember Starkey advised that Representative Tim Ryan sponsored legislation for the Broadview Park bill and indicated that the bill protected the Town and Broadview Park.

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**COUNCILMEMBER PAUL**

**AFFORDABLE HOUSING.** Councilmember Paul spoke about the workshop she attended in Tallahassee regarding affordable housing. She advised that legislation regarding condo conversions was discussed.

**HURRICANE DAMAGE.** Councilmember Paul requested information from Public Works/Capital Projects Director Bruce Bernard regarding street and other signage that was still down from last year's hurricane season. Mr. Bernard indicated that the target date for repairs by the County was September and added that the costs would be reimbursed by insurance. He stated that if the Town chose to remake and install the signs, it would be at its own expense.

**TRAFFIC CALMING.** Councilmember Paul indicated that she would be visiting the intersection of Dixie Highway and Oakland Park Boulevard that used tables as traffic calming. Mr. Bernard explained that it was a raised intersection used as an intersection and for traffic calming.

Councilmember Starkey relayed her conversation with the Southwest Ranches commissioners and mayor regarding funding for a historical village. She had indicated that the Town would provide a letter of support as the Town would benefit from a historical village. Council had no objections.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**12. TOWN ATTORNEY'S COMMENTS**

Mr. Kiar advised that there was a leaning light pole on 8th Street and 130th Avenue. He added there was a stop sign missing near Mrs. Osborne's home.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:20 p.m.

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Approved

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Mayor/Councilmember

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Town Clerk